

Hutton Trust Is Forced to Notify Well Owners of Possible Shut-Down of Irrigation

Written by Republican River Water Conservation District

In an effort to inform well owners of the legal actions taken by the Jim Hutton Educational Foundation, the Board of Directors of the Republican River Water Conservation District voted to provide the following basic information.

In February 2015, the Hutton Foundation sued State Engineer Dick Wolfe and others. The lawsuit makes no claim for relief against individual well owners but if successful the Hutton Foundation would demand the State Engineer force the shut-down of groundwater pumping to supply water for the senior water rights owned by the Hutton Foundation.

On September 30, 2015, the Colorado Water Court ordered the Hutton Foundation to notify well owners that everyone owning groundwater rights in the Northern High Plains Basin will be forced to abide with the final outcome of this lawsuit.

Recently well owners received a legal notice of this lawsuit from the Hutton Foundation. This puts the use of your wells and your legal rights at risk. You must respond if you intend to protect your rights.

The RRWCD received the same legal notice you received. This lawsuit threatens the use of the wells in the Compact Compliance Pipeline wellfield and the ability to stay in compliance with the Republican River Compact. The RRWCD Board voted to take action to protect these wells.

This is likely to be a very complex legal proceeding and will require significant time and effort. It is very important that well owners consider what you should do to protect your rights. There are several options available:

- 1.) An individual can hire an attorney to represent them.
- 2.) An individual can contact your local groundwater management district. It may be possible for each groundwater district to ask their legal counsel to represent the well owners as a whole in their district.
- 3.) Individuals can join into groups and together hire an attorney to represent their group.
- 4.) Individuals, but not corporations or other entities can proceed without an attorney. If you proceed on your own, you will be responsible for filing all required paperwork and meet all required deadlines.

You can choose not to respond to this court case. If you choose to participate in this legal action or not your water right will be subject to the decision of the court regarding this lawsuit.

Once you involve yourself in the lawsuit you can't simply stop participating. To be released from the lawsuit you will be required to receive an order from the Court. It is possible you will have to share in the expenses after the legal action is finalized if the Hutton Foundation is successful. Therefore it is in everyone's best interest that as many growers as possible unify in big groups for legal representation.

Everyone's situation is different. Please consult with an attorney or other professional to help you decide how to protect your irrigation rights.

As stated in the legal notice if you desire to participate, you must file your answer or other response with the Water Court in Greeley within 35 days after the last publication on November 6, 2015. In other words your response must be filed no later than December 10, 2015.

A copy of the Complaint filed by the Jim Hutton Educational Foundation in February is available on the RRWCD web site: www.republicanriver.com. You can contact the RRWCD office (970) 332-3552 if you have additional questions or concerns but the staff will not provide you with legal advice.

This lawsuit could have devastating effects on the economy of northeastern Colorado. Irrigation contributes to the viability of every community in the Basin including our schools, hospitals, law enforcement, fire protection, etc. Whether you have irrigated crops or not you will be affected by the outcome of this lawsuit. It is your responsibility to be informed in making your best decision on how to protect your rights.